

[Rollcall Vote No. 34 Ex.]

## YEAS—54

Baldwin	Hickenlooper	Reed
Bennet	Hirono	Romney
Blumenthal	Kaine	Rosen
Blunt	Kelly	Sanders
Booker	Kennedy	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Leahy	Sinema
Carper	Manchin	Smith
Casey	Markey	Stabenow
Collins	Menendez	Tester
Coons	Merkley	Van Hollen
Cortez Masto	Murphy	Warner
Duckworth	Murray	Warnock
Durbin	Ossoff	Warren
Feinstein	Padilla	Whitehouse
Hassan	Peters	Wicker
Heinrich	Portman	Wyden

## NAYS—39

Barrasso	Hagerty	Risch
Blackburn	Hawley	Rounds
Boozman	Hyde-Smith	Rubio
Braun	Inhofe	Sasse
Capito	Johnson	Scott (FL)
Cassidy	Lankford	Scott (SC)
Cornyn	Lee	Shelby
Cotton	Lummis	Sullivan
Crapo	Marshall	Thune
Cruz	McConnell	Tillis
Ernst	Moran	Toomey
Fischer	Murkowski	Tuberville
Grassley	Paul	Young

## NOT VOTING—7

Burr	Gillibrand	Luján
Cramer	Graham	
Daines	Hoeven	

The PRESIDING OFFICER (Mr. VAN HOLLEN). On this vote the yeas are 54, and the nays are 39.

The motion is agreed to.

## EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Reta Jo Lewis, of Georgia, to be President of the Export-Import Bank of the United States for a term expiring January 20, 2025.

## CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 654, Leonard Philip Stark, of Delaware, to be United States Circuit Judge for the Federal Circuit.

Charles E. Schumer, Richard J. Durbin, Richard Blumenthal, Gary C. Peters, Robert P. Casey, Jr., Sheldon Whitehouse, Martin Heinrich, Sherrod Brown, Patty Murray, Tammy Duckworth, Tim Kaine, Elizabeth Warren, Mazie Hirono, Alex Padilla, Tina Smith, Christopher A. Coons, Amy Klobuchar, Jon Tester.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Leonard Philip Stark, of Delaware, to be United States Circuit Judge for

the Federal Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. GILLIBRAND), the Senator from Maine (Mr. KING), the Senator from New Mexico (Mr. LUJÁN), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from North Dakota (Mr. CRAMER), the Senator from Montana (Mr. DAINES), the Senator from South Carolina (Mr. GRAHAM), the Senator from North Dakota (Mr. HOEVEN), the Senator from Louisiana (Mr. KENNEDY), the Senator from South Dakota (Mr. ROUNDS), the Senator from Pennsylvania (Mr. TOOMEY), and the Senator from Alabama (Mr. TUBERVILLE).

Further, if present and voting, the Senator from North Dakota (Mr. HOEVEN) would have voted "nay."

The yeas and nays resulted—yeas 54, nays 33, as follows:

[Rollcall Vote No. 35 Ex.]

## YEAS—54

Baldwin	Hassan	Portman
Bennet	Heinrich	Reed
Blumenthal	Hickenlooper	Romney
Booker	Hirono	Rosen
Brown	Kaine	Schatz
Cantwell	Kelly	Schumer
Capito	Klobuchar	Shaheen
Cardin	Leahy	Sinema
Carper	Manchin	Smith
Casey	Markey	Stabenow
Collins	Menendez	Tester
Coons	Merkley	Tillis
Cornyn	Murkowski	Van Hollen
Cortez Masto	Murphy	Warner
Duckworth	Murray	Warnock
Durbin	Ossoff	Warren
Feinstein	Padilla	Whitehouse
Grassley	Peters	Wyden

## NAYS—33

Barrasso	Hagerty	Paul
Blackburn	Hawley	Risch
Blunt	Hyde-Smith	Rubio
Boozman	Inhofe	Sasse
Braun	Johnson	Scott (FL)
Cassidy	Lankford	Scott (SC)
Cotton	Lee	Shelby
Crapo	Lummis	Sullivan
Cruz	Marshall	Thune
Ernst	McConnell	Wicker
Fischer	Moran	Young

## NOT VOTING—13

Burr	Hoeven	Sanders
Cramer	Kennedy	Toomey
Daines	King	Tuberville
Gillibrand	Luján	
Graham	Rounds	

The PRESIDING OFFICER. On this vote, the yeas are 54, the nays are 33.

The motion is agreed to.

## EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Leonard Philip Stark, of Delaware, to be United States Circuit Judge for the Federal Circuit.

The PRESIDING OFFICER. The Senator from Delaware.

NOMINATION OF LEONARD PHILIP STARK

Mr. CARPER. Mr. President, we just had a vote, and the vote—Mr. President, would you mind repeating the margin on that vote. Do you have that handy?

The PRESIDING OFFICER. Fifty-four to thirty-three.

Mr. CARPER. Fifty-four to thirty-three. In baseball, we are hoping there is going to be a settlement in the baseball dispute right now between labor and management. But, in baseball, you have some games that go extra innings, but at the end of the game, somebody wins and somebody loses. I like to say the team that wins gets a "w."

Well, we just had a "w" in favor of, in support of, the nomination of Leonard Stark to serve on the U.S. Court of Appeals for the Federal Circuit—not just a win for him, for his family; not just a win for Delaware, where he is from; not just a win for the colleges and universities he has gone to, the places that he has worked, that he has practiced law, served as a judge; but this is a win for our country. This is a win for our country. I am honored today to rise in support of his nomination to serve on the U.S. Court of Appeals.

The Presiding Officer from time to time will see me on the floor passing out what we call palm cards—he has probably passed out a few of his own—to our colleagues asking them to join him—join me—in cosponsoring legislation, supporting amendments, supporting bills on the floor.

For the last day or two, I have been passing out palm cards to our Republican colleagues, asking them to support the nomination of Leonard Stark to serve on this court. As grateful as I am for all the Democrats and at least one or two Independents who voted for him, I want to also express my thanks—our thanks—to the Republicans who crossed the aisle and saw fit to support his nomination.

I am not sure how much our colleagues here in the Senate know about the U.S. Court of Appeals. I would be the first to admit that I had to do some homework on it myself. But this court is best known—may be best known for its decisions on patent law. That is right—patent law. In fact, it is the only appellate court, I am told, other than the U.S. Supreme Court that will hear and consider patent case appeals.

But despite my needing to do a little homework on the U.S. Court of Appeals for the Federal Circuit, I do know a great deal about Judge Leonard Stark. In fact, I have known him for probably half of his life—for half of his life. I have admired him for every one of those years.

He has been nominated by our President to serve in this critical role in this important court. I have had the chance to follow his nomination, along with Senator COONS of Delaware, through the Judiciary Committee process, and I am confident that Judge Stark's judicial experience and his expertise, particularly—particularly—in

the complex legal arena of patent law, make him a perfect fit—a perfect fit—for this particular judgeship.

I know a lot about Judge Stark for a couple of reasons. One, we are from Delaware. Delaware is a little State. I like to say—people ask me sometimes—we have a million people who live there. They say: Have you met everybody in the State of Delaware? Probably not every one of them, but I met Judge Stark early in his life. I was impressed by him as a young man, and that respect and really appreciation have only grown over the years.

For the last 12 years, Judge Stark has served as a judge on the Delaware Federal district court. It is a court with four judgeships. He has had one of those seats for about 12 years now. Prior to that, he had a distinguished academic and professional career in the State of Delaware.

Judge Stark is a fellow University of Delaware graduate. We are the Fighting Blue Hens at UD. Len, as he is known to his friends and his colleagues and his professors, double-majored as an undergraduate in political science and economics while simultaneously working toward his master's degree.

Let me just say that again. Judge Stark double-majored—this is before he was a judge—as an undergraduate in political science and economics while simultaneously working toward his master's degree. My sister would say we call that showing off, but he was just showing up and just excelling every step of the way.

During college, Len proved himself to be an exceptional student and person, earning a full scholarship as a Eugene du Pont Memorial distinguished scholar.

Let me just mention something that Judge Stark and I have in common from our time at the University of Delaware. We both met an individual who would change our lives—a distinguished, beloved professor of political science named Jim Soles, a legendary political science professor.

I don't know if at the Presiding Officer's alma mater the students had an opportunity to vote for outstanding professor. Dr. Soles won that honor at the University of Delaware so many times, I think they retired the honor. He was just beloved and respected by so many students and parents and faculty members.

Fortunately for Leonard Stark and fortunately for me, Jim Soles took us both under his wing and helped get us on the right path and led me to the Senate and leads Judge Stark to the Senate floor today for this vote on cloture on his nomination.

Jim Soles was a personal hero to a whole lot of us in Delaware and particularly at the University of Delaware. His mentorship involved a lifelong friendship—one that Judge Stark and I still cherish to this day.

I had been a naval flight officer in the Vietnam war, moved from California to Delaware at the end of the

war, and ended up working on an MBA. My first year in Delaware, I met a guy who was running for the Democratic nomination, our only congressional seat. It was Jim Soles. I was in Delaware for like a year, and I ended up going from knowing nobody to being the treasurer of a fellow running for the U.S. House of Representatives. Our Congressman at the time was Pete du Pont, a good man, and Jim Soles ran against him. I got involved in that campaign, and later on, I would meet Judge Stark. We bonded right away because of our affection and respect for Dr. Soles.

But I think it was 12 years ago—12 years ago—Judge Stark was confirmed, I think unanimously, by this body to serve on Delaware's Federal district court, and I called him to congratulate him. Sure enough, guess who he was having dinner with. He was having dinner with Jim Soles near the campus of the University of Delaware in Newark.

Jim got to tell Judge Stark how proud he was upon his confirmation to the Delaware district court, but, sadly, not too long after that, we lost our dear friend Dr. Jim Soles.

While he will not be able to have dinner with us tonight or with Jim tonight, I want Judge Stark to know, when I call him later this afternoon or this evening, that Jim Soles is smiling down on him and that Jim would have been so proud to see his nomination once again advancing on the floor of the U.S. Senate.

Mr. President, let me tell a couple of things about Judge Stark, if I could.

Not long after his graduation from the University of Delaware—again, where he did a double major as an undergraduate simultaneously while pursuing an advanced degree, a master's degree—he went off and studied at Oxford, and he authored numerous academic and scholarly publications, including a book on British politics, which he wrote in his spare time between classes at Oxford.

After Oxford, Judge Stark went on to earn his law degree at Yale Law School, where he served as senior editor of the Yale Law Journal.

After graduation, Judge Stark clerked for legendary Delaware Judge Walter Stapleton, who served for years on the U.S. Court of Appeals for the Third Circuit.

Judge Stark then began his career in public service as an assistant U.S. attorney for the State of Delaware, where from 2002 to 2007, he handled a wide variety of cases, from criminal cases to Federal cases, to civil matters and others.

Before his current position as a district judge, Judge Stark served as magistrate judge on the U.S. District Court of Delaware. It was this role that prepared him—I think quite well—to serve as a district court judge.

In 2010, President Obama nominated Judge Stark to fill the vacancy on the Delaware district court, and the Senate confirmed Judge Stark unanimously—unanimously.

In the years since then, Judge Stark has served Delaware and our Nation with integrity and with distinction. Only 4 years after serving as a district judge, in 2014, Judge Stark was appointed the position of chief judge of the Delaware district court, which position he held until June of this year.

During his 14 years on the bench in Delaware, Judge Stark has presided over—get this—over 6,000 civil and criminal cases, including over 2,400 patent cases, and 93 trials, including 63 patent trials.

Patent law is of particular importance to the Federal Circuit, and Judge Stark's experience and expertise in these matters make him uniquely qualified for this particular judgeship. In fact, the Judiciary Committee of this Senate received a letter in support of Judge Stark's nomination from the Federal Circuit Bar Association that highlighted the breadth of Judge Stark's experience. The letter states that Judge Stark—their language, not mine—is “uniquely well-suited” to a position on the Federal Circuit.

And the letter went on to highlight his “integrity, [his] his professional competence, and [his] judicial temperament.”

The Judiciary Committee also received a letter of support from the American Bar Association, which once again rated Judge Stark unanimously—they rated him “well qualified”—well qualified.

At every stage of his life, Judge Stark has performed at the highest level. That level of success and work ethic is impressive for any field. But when it happens on the Federal bench, that is for the benefit of our Constitution and the American people.

Finally, I might add, Judge Stark is known as a consensus builder who works to find principled compromises—something the Presiding Officer and I do every day or at least attempt to. In fact, of Judge Stark's approximately 2,100 written opinions—2,100 written opinions—only 2 percent of them have ever been reversed or affirmed with criticism, only 2 percent.

That is part of the reason why he was approved in January by a strong bipartisan majority in the Judiciary Committee. He has the heart of a servant and the temperament to be an outstanding judge on the U.S. Court of Appeals for the Federal Circuit.

From his studies that took him from Newark, DE, across the pond, to Oxford, England, and back to Yale, Judge Stark has a stellar record of academic achievement. And from his service to the American people as an assistant U.S. attorney and for the last 12 years on the Delaware District Court, Judge Stark earned the respect and the admiration of the legal community in Delaware and across our Nation.

I want to close with this. As the Presiding Officer knows, I was privileged to serve as Governor of Delaware for 8 years, just before I came here to serve

in the U.S. Senate. And I never imagined when I was running for the position of Governor how important the Governor's role in Delaware is in terms of nominating judges to the Court of Chancery and the Delaware Supreme Court and superior court and family court, and on and on—a lot of courts and some with national and even international respect and roles.

One of my great regrets is that I never had the opportunity to nominate Judge Stark, young Leonard Stark. He did not apply. I know he was old enough but not by much. But I would have been very, very proud as Governor to have nominated him to serve in any one of the courts in Delaware.

Delaware is a little place that has about a million people, about 100 miles from north to south and about 50 miles from east to west. And it is not possible to know everybody, but you can know a lot of people. And I have been privileged to not only just know Leonard Stark but also to know his family and to know that one of the reasons why he succeeded—I would say one of the reasons I succeeded is that we picked the right parents, not a lot of wealth or fortune or fame but just people with really good values and just good people. And I just want to say to them, thank you for bringing him into the world and raising him with wonderful values.

I want to thank his wife and children for sharing their husband and their dad with the people of Delaware for all these years and for your willingness to let us give him a chance to serve in this new position.

From his service to the American public as assistant U.S. attorney for the last 12 years on the Delaware district court, Leonard Stark has earned the respect and the admiration of the legal community in Delaware and across our country.

I again want to thank our colleagues today for voting to take his nomination to go forward to the next step, and I think we will have an opportunity to vote next week on the actual confirmation. But I am pleased with the outcome of today's vote on cloture.

We have a State song—I know we have a State song in Maryland. I won't sing it here today, but the State song—the very first State, Delaware, the first State to ratify the Constitution—includes a line that goes something like this:

The sun is shining over our beloved Delaware.

And so today, indeed, the Sun is shining over Delaware.

We had a National Prayer Breakfast in the Capitol this morning in the auditorium in the Visitor Center, where the speaker was Brian Stephenson, famed attorney, defender, author. He was here, and he was our keynote speaker for the Prayer Breakfast. The cochair for the Prayer Breakfast was Senator CHRISTOPHER COONS of Delaware.

The President of the United States spoke at the Prayer Breakfast today,

Joe Biden, a Delawarean. And LISA BLUNT ROCHESTER, our Congresswoman, and I had the privilege to be there and be part of that family.

It has been a good day for Delaware. I know with the vote to move this nomination to the next step, it is another good day for Delaware for this reason. It was also a very good day for our country and for all who have worked hard to make this day possible and this step possible. I just want to say a heartfelt thank you.

With that, I yield the floor to another fellow who has a Delaware connection. When he came for orientation a few years ago, he was nice enough to share with me that—I told him that the most popular Senate initials in the U.S. Senate were the letters "TC." There were more "TCs" than any set of initials in the Senate, and when TED CRUZ joined us, we had another one as well.

He shared with me that his grandmother was from Wilmington, DE—1 of 17 children, if I am not mistaken, and that gave us a common bond right from the get-go. I am happy to yield to my friend from Texas for his comments today.

The PRESIDING OFFICER. The Senator from Texas is recognized.

RUSSIA

Mr. CRUZ. Mr. President, there is a gathering storm in Europe. I rise today to discuss the brewing crisis posed by Russia's aggression and, tragically, how the reckless actions of President Biden have enabled it.

This morning, all 100 Senators participated in a classified briefing, where we heard from the Secretary of Defense and the Secretary of State and the Chairman of the Joint Chiefs of Staff. We heard about the magnitude of the threat from Russia.

We stand here today with Europe facing the greatest peril it has faced since 1945. These are ominous and chilling times, and we did not arrive here by accident. Right now, 150,000 Russian troops are directly on the border of Ukraine, poised to invade, with more troops and more tanks arriving each and every day. It was also reported this week that Russia has sent additional blood supplies to its military equipment on the Ukraine border, another ominous signal that Russia plans to invade.

Ukraine, and indeed the region and the world, find ourselves in this crisis because of President Biden's weakness, because of his appeasement, because of his surrender to Putin over the last year. And now, instead of rising to meet this moment with strength and resolve, President Biden continues to shrink from it with more weakness than appeasement.

One question that was raised in the briefing this morning is, Why didn't this happen in 2017? Why didn't it happen in 2018? Why didn't it happen in 2019? Why didn't it happen in 2020? What changed?

I will suggest what changed. What changed is the occupant of the Oval Of-

fice, who has demonstrated weakness and appeasement virtually from the moment he rested his hand upon the Bible. It is a pattern.

As a result of President Biden's weakness and appeasement, this administration gave Afghanistan to the Taliban and 13 American servicemembers were tragically murdered.

As a result of President Biden's weakness and appeasement, this administration is ramping up to give a nuclear arsenal to the Ayatollah in Iran. The very same Ayatollah who chants "Death to Israel" and "Death to America," the Biden administration is preparing to facilitate that Ayatollah having the weapons of mass murder to carry out those pledges.

As a result of President Biden's weakness and appeasement, the Biden administration is in the process of ceding Taiwan to Xi. President Biden has even banned any Taiwanese official from displaying a Taiwanese military uniform or displaying a Taiwanese flag on U.S. Government property. Why? Because it offends the communist Government in China.

And, again, right now, today, as a result of President Biden's weakness and appeasement, the Biden administration is in the process of abandoning Ukraine to Vladimir Putin.

Putin didn't just wake up one day and decide to invade Ukraine. He has wanted to invade Ukraine for years. And he did so in 2014, but he stopped short of a full invasion then because he couldn't endanger Ukraine's energy infrastructure, which Putin needs to get Russian natural gas to Europe. So Russia formed a consortium to build Nord Stream 2, a pipeline stretching directly from Russia to Germany under the sea so that Russian gas could circumvent Ukraine altogether.

We have long known about the dangers Nord Stream 2 poses. That is why, in the last few years, Democrats and Republicans here in the Senate have come together repeatedly and taken bipartisan actions, passing sanctions on Nord Stream 2 with overwhelming majorities.

I led that effort, drafting the Cruz-Shaheen sanctions. They were supported by every Democrat in this Chamber. They passed overwhelmingly, and they worked. They succeeded. They stopped the pipeline literally the day they were signed into law.

The story of how that happened is well known to every Senator in this Chamber, as is the story of how the new President—President Biden—inexplicably and catastrophically decided to squander that hard-fought geopolitical victory and turn a victory for America into a loss for America and our allies.

Many a Democratic Senator standing on this Senate floor has quietly expressed frustration, confusion, anger why the Biden administration would surrender to Russia and give away the victory we had won.

It is not only the decision to surrender on Nord Stream 2 and give